IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8029 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE SHARAD D.DAVE

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GOVINDBHAI BABRABHAI RAVAL & 9 - Petitioner(s)

Versus

INDUSTRIAL PLASTIC - Respondent(s)

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Appearance :

MR PC MASTER for Petitioner(s) : 1,None for Petitioner(s) : None for Petitioner No(s).: for Petitioner(s) : 2 - 10.
MR RV DESAI for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE SHARAD D.DAVE

Date : 24/10/2005

CAV JUDGMENT

1.By filing this petition, the petitioners have challenged the judgment and award dated 28.1.1999

passed by the Presiding Officer, Labour Court, Vadodara in Reference (LCA) No.275 of 1991 by which the Labour Court has awarded Rs.10,000/- to each workman on humanitarian ground.

2. Heard the learned advocates for the parties and perused the material placed on record.

3. Having heard the learned advocates for the parties and having perused the material placed on record, it appears that, the Labour Court has come to the conclusion that the concerned workmen have accepted and have not challenged the departmental inquiry held against them. The Labour Court has also come to the conclusion that the concerned workmen have incurred loss which has been proved in the present case vide Exh.14/24. The Labour Court has also come to the conclusion that there are evidences against the concerned workmen which cannot be said to be without basis. Ultimately, the Labour Court, after appreciating the evidence on record, has come to the conclusion that action of dismissing the concerned workmen is just and proper, and, thus, by order dated 28.1.1999 awarded Rs.10,000/- to each workmen on humanitarian ground.

4.As stated above, the Labour Court, after appreciating

the evidence on record, has come to the conclusion that the concerned workmen have incurred loss and also the fact that they have not challenged the legality and validity of the departmental inquiry held against them. Further, this is a petition filed under Article 227 of the Constitution of India, and this Court cannot reappreciate the evidence in a petition filed under Article 227 of the Constitution of India unless there is jurisdictional error. Under these circumstances, I do not find any substance in this petition, and resultantly, the same is required to be dismissed.

5. In the result, this petition is dismissed. Rule is discharged with no order as to costs.

(Sharad D.Dave,J)

srilatha